



## Remarks

### I. Claim Rejections - 35 USC §112.

*Antecedent Basis.* Claims 2-6 stand rejected because the preambles recite “A” instead of -- The --. However, (i) MPEP 608.01, (ii) *Landis on Mechanics of Patent Claim Drafting*, and (iii) issued U.S. Patents all recognize the use of “A” instead of “The” as proper preamble language. Applicant respectfully requests withdrawal of this rejection for claims 3 and 5. Claims 2, 4, and 6 are currently canceled.

*Vague, Indefinite, Confusingly, and Awkwardly Worded - Claim 1.* Claim 1 stands rejected under 35 USC 112, second paragraph, because “a width” is defined in terms of a workpiece for which the dimensions may vary. In response, claim 1 has been amended to specify the hinge pin shaft diameter and hinge pin head diameter in line with the dimensions stated in the specification.

*Vague, Indefinite, Confusingly, and Awkwardly Worded - Claim 2.* Claim 2 stands rejected under 35 USC 112 for use of “each other.” In response, claim 2 has been canceled and the limitations of claim 2 have been added to amended claim 1 in acceptable form.

*Vague, Indefinite, Confusingly, and Awkwardly Worded - Claim 6.* Claim 6 stands rejected under 35 USC 112 for use of “channel increases distally.” In response, claim 6 has been canceled and the limitations of claim 6 have been added to amended claim 1 in acceptable form.

## II. Claim Rejections - 35 USC §102.

*Claims 1, 3, and 6.* Claims 1, 3, and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Tsuha* (5,495,651). This rejection is traversed.

The *Tsuha* patent (5,494,651) describes a hand tool for removing an automotive vacuum hoses. A pair of substantially parallel prongs define a longitudinal elongated slot 32. The tongs are not beveled toward each other. They form non-chamfered sharp corners to allow for the maximum possible tool surface to contact the end portion of a hose (Col. 8, lines 51-65). In addition, the tongs are curved upwardly from an axis of elongation to provide leverage.

Nowhere does *Tsuha* described or suggest, taken alone or together with the other cited references, that “the first hinge-pin-dislodging tong include a first beveled surface that is beveled toward the second hinge-pin-dislodging tong” and that “the second hinge-pin-dislodging tong includes a second beveled surface that is beveled toward the first hinge-pin-dislodging tong,” as specified in amended claim 1. Nowhere does *Tsuha* describe suggest (taken alone or together with the other cited references) a third beveled surface as provided in the instant invention. Nowhere does *Tsuha* describe suggest (taken alone or together with the other cited references) that “the handle, the elongated member, and the distal end portion of the elongated member extend along a central axis of elongation.”

The inwardly beveled surfaces of the instant invention are significant because they better enable the user to wedge the tongs between the hinge pin head and the rest of the hinge (page 3, lines 23-25 and page 4 line 1). Alignment with the central axis of elongation is significant because that arrangement better transfers force when the user

strikes the proximal end of the handle for purposes of wedging the tongs under a hinge pin head. Thus, amended claim 1 is patentably distinct from *Tsuha* (taken alone or together with the other references), along with properly dependent claim 3 (claim 6 being currently canceled). Notification to that effect is requested.

*Claims 1 and 6.* Claims 1, 3, and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Martin* (D256442). This rejection is traversed.

The *Martin* patent (D256442) describes a hand tool for inductively testing continuity and for removing spark plugs. The *Martin* device includes tongs that define a channel, but the tongs are not beveled toward each other. In addition, the tongs extend perpendicular to an axis of elongation of the device

Nowhere does *Martin* described or suggest, taken alone or together with the other cited references, that “the first hinge-pin-dislodging tong include a first beveled surface that is beveled toward the second hinge-pin-dislodging tong” and that “the second hinge-pin-dislodging tong includes a second beveled surface that is beveled toward the first hinge-pin-dislodging tong,” as specified in amended claim 1. Nowhere does *Martin* describe suggest (taken alone or together with the other cited references) that a third beveled surface as provided in the instant invention. Nowhere does *Martin* describe suggest (taken alone or together with the other cited references) that “the handle, the elongated member, and the distal end portion of the elongated member extend along a central axis of elongation.”

The inwardly beveled surfaces of the instant invention are significant (as stated above in connection with *Tsuha*) because they better enable the user to wedge the tongs between the hinge pin head and the rest of the hinge (page 3, lines 23-25 and page 4 line 1). Alignment with the central axis of elongation is significant (as stated above in connection with *Tsuha*) because that arrangement better transfers force when the user strikes the proximal end of the handle for purposes of wedging the tongs under a hinge pin head. Thus, amended claim 1 is patentably distinct from *Martin* (taken alone or together with the other references), along with properly dependent claim 3 (claim 6 being currently canceled). Notification to that effect is requested.

*Claims 1, 3, and 6.* Claims 1, 3, and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Browne* (549,895). This rejection is traversed.

The *Browne* patent (549,895) describes a tack puller. It has a sheet-metal claw on a cast-metal handle. The handle extends along an axis of elongation, and the claw is bent upwardly from the axis of elongation and it is transversely bowed.

The **Browne** device is too fragile for removing hinge pins. In addition, it is dimensioned for receiving the shank of a tack and would not work for receiving the shaft of a hinge pin.

Moreover, nowhere does *Browne* described or suggest, taken alone or together with the other cited references, that “the handle, the elongated member, and the distal end portion of the elongated member extend along a central axis of elongation.” Alignment with the central axis of elongation is significant (as stated above in

connection with *Tsuha* and *Martin*) because that arrangement better transfers force when the user strikes the proximal end of the handle for purposes of wedging the tongs under a hinge pin head. Thus, amended claim 1 is patentably distinct from *Browne* (taken alone or together with the other references), along with properly dependent claim 3 (claim 6 being currently canceled). Notification to that effect is requested.

### **III. Claim Rejections -- 35 USC §103.**

*Claims 4 and 5.* Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Browne* (549,895). Claim 5 is properly dependent on amended claim 1, which is now allowable (claim 4 being currently canceled). Thus, claim 5 is now allowable and notification to that effect is requested.

*Claims 4 and 5.* Claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsuha* (5,495,651). Claim 5 is properly dependent on amended claim 1, which is now allowable (claim 4 being currently canceled). Thus, claim 5 is now allowable and notification to that effect is requested.

**IV. Newly Presented Claims.** Newly presented independent claims 7 and 8 specify limitations in different ways and remove some unneeded limitations.

**IV. Reexamination and Allowance.** In view of the foregoing, currently amended independent claim 1 and properly dependent claims 3 and 5 are now allowable, along with newly presented claims 7 and 8. Notification to that effect is requested. Reexamination and allowance are requested.

**V. Prior Art Made of Record.** The prior art made of record and not relied upon has been reviewed and it does not describe or suggest the combination of elements presented in the claims as amended.

The *Shere* patent (5,253,406) and the *Peterson* patent (960,193), whether consider alone or in combination with one or more of the other references, does not describe or suggest Hinge Pin Remover Tool as specified in the claims of the instant application.